



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 3.3.4	Subject: MEDIA ACCESS TO OFFENDERS
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 3 and Attachments
Section 3: Offender Privileges	Effective Date: Aug. 1, 1997
Signature: /s/ Mike Ferriter, Director	Revised: 06/20/12

I. POLICY

The Department of Corrections will provide news media representatives with access to offenders who are in Department custody or under Department supervision when consistent with the security and the orderly operation of its facilities and programs.

II. APPLICABILITY

All divisions, facilities, and programs Department-owned and contracted, as specified in contract.

I. DEFINITIONS

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

Communications Director/Public Information Officer (PIO) – A Department, facility, or program spokesperson designated to provide facility or program information to the public.

News Media Representatives – Properly credentialed representatives of any accredited news organization that reports news for a general circulation newspaper, news magazine, national or international news service, radio or television news program, and internet news service. Authors and freelance journalists who are researching and/or writing about corrections or criminal justice issues must provide their credentials to verify their association with legitimate news or media organizations. Nothing in this definition is intended to remove from the Department director, Department communications director, or facility PIO the discretion to determine who constitutes news media representatives for purposes of access to offenders.

Offender – Any individual in the custody or under the supervision of the Department of Corrections or its contracted service providers.

II. DEPARTMENT DIRECTIVES

A. General Requirements

1. The administrator, or designee, will provide the facility or program rules and regulations to news media representatives prior to permitting offender interviews.
2. Department and contracted facilities and programs will protect offender confidentiality and comply with the consent requirements in accordance with the provisions of this policy.

B. Incarcerated Adult Offenders

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1. Adult facilities will establish procedures for media access to offenders in accordance with the following:
 - a. adult offenders may choose to accept or reject media interview requests;
 - b. media representatives will submit interview requests in writing through the facility's Public Information Officer (PIO), or designee;
 - c. the PIO must obtain approval from the facility administrator before scheduling media access to offenders;
 - d. offenders who agree to an interview will do so in writing, state the purpose, and receive no compensation, in accordance with the [Interview/Photo Consent](#) form;
 - e. approved offender access must be arranged at reasonable times of day consistent with facility security or operational needs;
 - f. offenders will not be photographed in a manner that allows individual identification without the offender's written consent;
 - g. the PIO will make any necessary arrangements with regard to news media presence in consultation with the division or facility administrators and the news media representative; and
 - h. the PIO will arrange for a staff member to:
 - 1) verify the offender's written consent for an interview;
 - 2) act as a staff representative by accompanying the media representative to the interview; and
 - 3) be present during the interview to ensure the media representative complies with permissions granted on the [Interview/Photo Consent](#) form.

C. Adult Probation and Parole

1. Offenders who are under community supervision do not ordinarily need to provide written consent or receive Department approval for news media interviews.
2. Offenders will sign a consent form in the following circumstances:
 - a. when the news media interview is arranged by a Department staff member; or
 - b. when the interview occurs at a Department facility, program, or office.

D. Incarcerated Youth Offenders

1. The facility administrator will permit news media access to youth correctional facilities in accordance with the following:
 - a. at reasonable times of the day consistent with the security needs of the facility;
 - b. only after news media representatives sign the required [Youth Confidentiality](#) form and agree not to:
 - 1) identify the youth offenders by name either in media reports or in correspondence; or
 - 2) photograph or film offenders in a manner that allows for visual identification.
2. In the event consent forms are unavailable, the only information facility staff may disclose is whether a specific offender is in residence at the facility.

E. Youth Parole Offenders

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1. News media representative access to youth offenders on parole requires the offender's permission and the approval of the offender's legal guardian.
2. The offender and legal guardian must sign the required consent form.

F. Denial of Media Access

1. Media access to offenders may be denied when:
 - a. the facility is operating under emergency conditions as defined in *DOC Policies 3.2.1, Emergency Management* and *3.2.1(A), Emergency Operations Plan (EOP)*;
 - b. an offender, who ordinarily may be available for a news media interview, is placed in confinement, e.g., disciplinary or administrative segregation, or maximum custody;
 - c. an offender chooses not to be interviewed, refuses to sign a consent form, or a youth offender does not have legal guardian consent;
 - d. the media representative fails to abide by the rules, regulations, and procedures governing offender access; or
 - e. the media representative behaves in a manner that jeopardizes the safety and security of the facility or program.

III. CLOSING

Questions concerning this policy should be directed to the facility's public information officer or the Department's communication director.

IV. REFERENCES

- A. 4-4279, *ACA Standards for Adult Correctional Institutions, 4th Edition*; 3-JTS-3D-05, *Standards for Juvenile Correctional Facilities, 2003*
- B. *DOC Policies 1.1.8, Media Relations*; *3.2.1, Emergency Management*; *3.2.1 (A), Emergency Operations Plan (EOP)*

V. ATTACHMENTS

[Interview/Photo Consent](#) [PDF](#)
[Youth Confidentiality](#) [PDF](#)